

By the Committee on Children, Families, and Elder Affairs; and  
Senator Berman

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1                                   A bill to be entitled  
2       An act relating to the Purple Alert; amending s.  
3       252.35, F.S.; requiring the Division of Emergency  
4       Management to identify and maintain an inventory of  
5       certain digitally displayed automatic changeable  
6       facing structures; amending s. 937.0201, F.S.;  
7       redefining the term "missing endangered person";  
8       creating s. 937.0205, F.S.; providing legislative  
9       findings and intent; requiring the Department of Law  
10      Enforcement, in cooperation with the Department of  
11      Transportation, the Department of Highway Safety and  
12      Motor Vehicles, the Department of the Lottery, and  
13      local law enforcement agencies, to establish and  
14      implement the Purple Alert; specifying minimum  
15      requirements for the Purple Alert; authorizing local  
16      law enforcement agencies to broadcast information  
17      concerning certain missing adults; requiring the local  
18      law enforcement agency of jurisdiction to notify  
19      certain media and alert subscribers if a Purple Alert  
20      is determined to be necessary and appropriate;  
21      authorizing the local law enforcement agency of  
22      jurisdiction which broadcasts the notification to  
23      request that a case be opened with the Department of  
24      Law Enforcement's Missing Endangered Persons  
25      Information Clearinghouse; requiring the clearinghouse  
26      to coordinate with the Department of Transportation  
27      and the Department of Highway Safety and Motor  
28      Vehicles in the activation of dynamic message signs on  
29      state highways and the immediate distribution of

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30 certain critical information under certain  
31 circumstances; requiring the Purple Alert to include  
32 certain procedures and an information and education  
33 strategy; authorizing the Department of Law  
34 Enforcement to adopt rules; amending s. 937.021, F.S.;  
35 providing that the Department of Law Enforcement, as  
36 the Purple Alert coordinator, and certain agencies,  
37 employees, individuals, and entities are immune from  
38 civil liability for damages when performing certain  
39 actions in good faith; providing that the presumption  
40 of good faith is not overcome under certain  
41 circumstances; providing construction; amending s.  
42 937.022, F.S.; authorizing only the law enforcement  
43 agency having jurisdiction over a case to make a  
44 request to the clearinghouse for the activation of a  
45 Purple Alert involving a missing adult under certain  
46 circumstances; amending s. 429.918, F.S.; conforming  
47 provisions to changes made by the act; providing an  
48 appropriation; providing effective dates.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Paragraph (z) is added to subsection (2) of  
53 section 252.35, Florida Statutes, to read:

54 252.35 Emergency management powers; Division of Emergency  
55 Management.—

56 (2) The division is responsible for carrying out the  
57 provisions of ss. 252.31-252.90. In performing its duties, the  
58 division shall:

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59       (z) Identify and maintain an inventory of available  
60 digitally displayed automatic changeable facing structures  
61 capable of providing the immediate distribution of critical  
62 information to the public in times of declared emergency and for  
63 the communication of information relating to missing endangered  
64 persons.

65       Section 2. Subsection (4) of section 937.0201, Florida  
66 Statutes, is amended to read:

67       937.0201 Definitions.—As used in this chapter, the term:

68       (4) "Missing endangered person" means any of the following:

69       (a) A missing child.~~†~~

70       (b) A missing adult younger than 26 years of age.~~†~~

71       (c) A missing adult 26 years of age or older who is  
72 suspected by a law enforcement agency of being endangered or the  
73 victim of criminal activity.~~†~~~~or~~

74       (d) A missing adult who meets the criteria for activation  
75 of the Silver Alert Plan of the Department of Law Enforcement.

76       (e) A missing adult who meets the criteria for activation  
77 of the Purple Alert of the Department of Law Enforcement  
78 pursuant to s. 937.0205.

79       Section 3. Section 937.0205, Florida Statutes, is created  
80 to read:

81       937.0205 Purple Alert.—

82       (1) The Legislature finds that a standardized state system  
83 is necessary to aid in the search for a missing adult identified  
84 in paragraph (4) (a). The Legislature also finds that a  
85 coordinated local law enforcement and state agency response with  
86 prompt and widespread sharing of information will improve the  
87 chances of finding the person.

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88       (2) It is the intent of the Legislature to establish the  
89 Purple Alert, to be implemented in a manner that, to the extent  
90 practicable, safeguards the privacy rights and related health  
91 and diagnostic information of such missing adults.

92       (3) The Department of Law Enforcement, in cooperation with  
93 the Department of Transportation, the Department of Highway  
94 Safety and Motor Vehicles, the Department of the Lottery, and  
95 local law enforcement agencies, shall establish and implement  
96 the Purple Alert. At a minimum, the Purple Alert must:

97       (a) Be the only viable means by which the missing adult is  
98 likely to be returned to safety;

99       (b) Provide, to the greatest extent possible, for the  
100 protection of the privacy, dignity, and independence of such  
101 missing adults by including standards aimed at safeguarding  
102 these civil liberties by preventing the inadvertent or  
103 unnecessary broadcasting or dissemination of sensitive health  
104 and diagnostic information;

105       (c) Provide that the broadcasting and dissemination of  
106 alerts and related information be limited to the geographic  
107 areas where such missing adult could reasonably be, considering  
108 his or her circumstances and physical and mental condition, the  
109 potential modes of transportation available to him or her or  
110 suspected to be involved, and the known or suspected  
111 circumstances of his or her disappearance; and

112       (d) Be activated only when there is sufficient descriptive  
113 information about the missing adult and the circumstances  
114 surrounding the missing adult's disappearance to indicate that  
115 activating the alert is likely to help locate the missing adult.

116       (4) (a) Under a Purple Alert, a local law enforcement agency

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117 may broadcast to the media and to persons who subscribe to  
118 receive alert notifications under this section information  
119 concerning a missing adult:

120 1. Who has a mental or cognitive disability; an  
121 intellectual disability or a developmental disability, as those  
122 terms are defined in s. 393.063; a brain injury; another  
123 physical, mental, or emotional disability that is not related to  
124 substance abuse; or a combination of any of these;

125 2. Whose disappearance indicates a credible threat of  
126 immediate danger or serious bodily harm to himself or herself,  
127 as determined by the local law enforcement agency;

128 3. Who cannot be returned to safety without law enforcement  
129 intervention; and

130 4. Who does not meet the criteria for activation of a local  
131 Silver Alert or the Silver Alert Plan of the Department of Law  
132 Enforcement.

133 (b) If a Purple Alert is determined to be necessary and  
134 appropriate, the local law enforcement agency of jurisdiction  
135 shall notify the media and subscribers in the jurisdiction or  
136 jurisdictions where the missing adult is believed to or may be  
137 located. The local law enforcement agency of jurisdiction may  
138 also request that the Purple Alert notification be broadcast on  
139 lottery terminals within the geographic regions where the  
140 missing adult may reasonably be, including, but not limited to,  
141 lottery terminals in gas stations, convenience stores, and  
142 supermarkets.

143 (c) Under the Purple Alert, the local law enforcement  
144 agency of jurisdiction may also request that a case be opened  
145 with the Department of Law Enforcement's Missing Endangered

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146 Persons Information Clearinghouse. To enhance local or regional  
147 efforts when the investigation indicates that an identifiable  
148 vehicle is involved, the clearinghouse must coordinate with the  
149 Department of Transportation and the Department of Highway  
150 Safety and Motor Vehicles for the activation of dynamic message  
151 signs on state highways and the immediate distribution of  
152 critical information to the public regarding the missing adult  
153 in accordance with the alert.

154 (5) The Purple Alert process must include procedures to  
155 monitor the use, activation, and results of alerts and a  
156 strategy for informing and educating law enforcement, the media,  
157 and other stakeholders concerning the alert.

158 (6) The Department of Law Enforcement may adopt rules to  
159 implement and administer this section.

160 Section 4. Paragraphs (c), (d), and (e) of subsection (5)  
161 of section 937.021, Florida Statutes, are amended to read:

162 937.021 Missing child and missing adult reports.-

163 (5)

164 (c) Upon receiving a request to record, report, transmit,  
165 display, or release Silver Alert or Purple Alert information  
166 from the law enforcement agency having jurisdiction over the  
167 missing adult, the Department of Law Enforcement as the state  
168 Silver Alert and Purple Alert coordinator, any state or local  
169 law enforcement agency, and the personnel of these agencies; any  
170 radio or television network, broadcaster, or other media  
171 representative; any dealer of communications services as defined  
172 in s. 202.11; or any agency, employee, individual, or entity is  
173 immune from civil liability for damages for complying in good  
174 faith with the request and is presumed to have acted in good

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175 faith in recording, reporting, transmitting, displaying, or  
176 releasing Silver Alert or Purple Alert information pertaining to  
177 the missing adult.

178 (d) The presumption of good faith is not overcome if a  
179 technical or clerical error is made by any agency, employee,  
180 individual, or entity acting at the request of the local law  
181 enforcement agency having jurisdiction, or if the Amber Alert,  
182 Missing Child Alert, missing child information, missing adult  
183 information, or Silver Alert or Purple Alert information is  
184 incomplete or incorrect because the information received from  
185 the local law enforcement agency was incomplete or incorrect.

186 (e) Neither this subsection nor any other provision of law  
187 creates a duty of the agency, employee, individual, or entity to  
188 record, report, transmit, display, or release the Amber Alert,  
189 Missing Child Alert, missing child information, missing adult  
190 information, or Silver Alert or Purple Alert information  
191 received from the local law enforcement agency having  
192 jurisdiction. The decision to record, report, transmit, display,  
193 or release information is discretionary with the agency,  
194 employee, individual, or entity receiving the information.

195 Section 5. Paragraph (b) of subsection (3) of section  
196 937.022, Florida Statutes, is amended to read:

197 937.022 Missing Endangered Persons Information  
198 Clearinghouse.—

199 (3) The clearinghouse shall:

200 (b) Provide a centralized file for the exchange of  
201 information on missing endangered persons.

202 1. Every state, county, or municipal law enforcement agency  
203 shall submit to the clearinghouse information concerning missing

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204 endangered persons.

205         2. Any person having knowledge may submit a missing  
206 endangered person report to the clearinghouse concerning a child  
207 or adult younger than 26 years of age whose whereabouts is  
208 unknown, regardless of the circumstances, subsequent to  
209 reporting such child or adult missing to the appropriate law  
210 enforcement agency within the county in which the child or adult  
211 became missing, and subsequent to entry by the law enforcement  
212 agency of the child or person into the Florida Crime Information  
213 Center and the National Crime Information Center databases. The  
214 missing endangered person report shall be included in the  
215 clearinghouse database.

216         3. Only the law enforcement agency having jurisdiction over  
217 the case may submit a missing endangered person report to the  
218 clearinghouse involving a missing adult age 26 years or older  
219 who is suspected by a law enforcement agency of being endangered  
220 or the victim of criminal activity.

221         4. Only the law enforcement agency having jurisdiction over  
222 the case may make a request to the clearinghouse for the  
223 activation of a state Silver Alert or a Purple Alert involving a  
224 missing adult if circumstances regarding the disappearance have  
225 met the criteria for activation of the Silver Alert Plan or the  
226 Purple Alert.

227         Section 6. Paragraph (d) of subsection (6) and subsection  
228 (9) of section 429.918, Florida Statutes, are amended to read:

229         429.918 Licensure designation as a specialized Alzheimer's  
230 services adult day care center.—

231         (6)

232         (d) Each employee hired on or after July 1, 2012, who



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233 provides direct care to ADRD participants, must receive and  
234 review an orientation plan that includes, at a minimum:

235 1. Procedures to locate an ADRD participant who has  
236 wandered from the center. These procedures shall be reviewed  
237 regularly with all direct care staff.

238 2. Information on the Silver Alert program and the Purple  
239 Alert in this state.

240 3. Information regarding available products or programs  
241 used to identify ADRD participants or prevent them from  
242 wandering away from the center, their home, or other locations.

243 (9) An adult day care center having a license designated  
244 under this section must give to each person who enrolls as an  
245 ADRD participant in the center, or the caregiver, a copy of the  
246 ADRD participant's plan of care, as well as information  
247 regarding resources to assist in ensuring the safety and  
248 security of the ADRD participant, which must include, but need  
249 not be limited to, information pertaining to driving for those  
250 persons affected by dementia, available technology on wandering-  
251 prevention devices and identification devices, the Silver Alert  
252 program and the Purple Alert in this state, and dementia-  
253 specific safety interventions and strategies that can be used in  
254 the home setting.

255 Section 7. Effective July 1, 2020, for the 2020-2021 fiscal  
256 year, the sums of \$152,836 in recurring funds and \$170,000 in  
257 nonrecurring funds are appropriated from the General Revenue  
258 Fund to the Department of Law Enforcement, and three full-time  
259 equivalent positions with an associated salary rate of 83,779  
260 are authorized, for the purpose of implementing this act.

261 Section 8. Except as otherwise expressly provided in this

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262 act and except for this section, which shall take effect July 1,  
263 2020, this act shall take effect July 1, 2021.